

**United States District Court
District of Massachusetts (Worcester)
CIVIL DOCKET FOR CASE #: 4:17-cv-40099-TSH**

Niro et al v. United States et al
Assigned to: District Judge Timothy S. Hillman
Cause: 05:552 Freedom of Information Act

Date Filed: 06/26/2017
Jury Demand: Plaintiff
Nature of Suit: 870 Taxes
Jurisdiction: U.S. Government Defendant

Plaintiff

Donato F. Niro

represented by **Donato F. Niro**
7 North Vine Street
Milford, MA 01757
508-473-6772
PRO SE

Plaintiff

Shirley M. Niro

represented by **Shirley M. Niro**
7 North Vine Street
Milford, MA 01757
508-473-6772
PRO SE

V.

Defendant

United States

represented by **Anita Johnson**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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ATTORNEY TO BE NOTICED

Defendant

**Department of the Treasury, Internal
Revenue Service**

represented by **Anita Johnson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Megan Hoffman-Logsdon
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/26/2017	<u>1</u>	COMPLAINT against All Defendants, filed by Donato F. Niro, Shirley M. Niro. (Attachments: # <u>1</u> Attachment 1, # <u>2</u> Attachment 2, # <u>3</u> Attachment 3, # <u>4</u> Attachment 4, # <u>5</u> Civil Cover Sheet and Category Sheet)(Burgos, Sandra) (Entered: 06/26/2017)

06/26/2017	<u>2</u>	ELECTRONIC NOTICE of Case Assignment. District Judge Timothy S. Hillman assigned to case. If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge David H. Hennessy. (Burgos, Sandra) (Entered: 06/26/2017)
06/26/2017	<u>3</u>	Summons Issued as to Department of the Treasury, Internal Revenue Service, United States. Counsel receiving this notice electronically should download this summons, complete one for each defendant and serve it in accordance with Fed.R.Civ.P. 4 and LR 4.1. Summons will be mailed to plaintiff(s) not receiving notice electronically for completion of service. (Burgos, Sandra) (Entered: 06/26/2017)
06/26/2017	<u>4</u>	General Order 09-1, dated January 6, 2009 regarding the E-Government Act and Personal Identifiers entered. (Burgos, Sandra) (Entered: 06/26/2017)
07/21/2017	<u>5</u>	SUMMONS Returned Executed as to US Attorney by Donato F. Niro, Shirley M. Niro. Department of the Treasury, Internal Revenue Service served on 7/5/2017, answer due 9/5/2017; United States served on 7/5/2017, answer due 9/5/2017. (Burgos, Sandra) (Entered: 07/21/2017)
08/02/2017	<u>6</u>	NOTICE of Appearance by Anita Johnson on behalf of Department of the Treasury, Internal Revenue Service, United States (Johnson, Anita) (Entered: 08/02/2017)
08/03/2017	<u>7</u>	Assented to MOTION for Extension of Time to September 3, 2017 to File an Answer by Department of the Treasury, Internal Revenue Service, United States. (Attachments: # <u>1</u> Text of Proposed Order)(Johnson, Anita) Modified on 8/4/2017 (Jones, Sherry). (Entered: 08/03/2017)
08/08/2017	<u>8</u>	NOTICE of Appearance by Megan Hoffman-Logsdon on behalf of Department of the Treasury, Internal Revenue Service (Hoffman-Logsdon, Megan) (Entered: 08/08/2017)
08/09/2017	<u>9</u>	District Judge Timothy S. Hillman: ELECTRONIC ORDER entered granting <u>7</u> Motion for Extension of Time to Answer. (Castles, Martin) (Entered: 08/09/2017)
08/29/2017	<u>10</u>	MOTION for Extension of Time to 10/19/2017 to File Answer re <u>1</u> Complaint by Department of the Treasury, Internal Revenue Service.(Johnson, Anita) (Entered: 08/29/2017)
10/06/2017	<u>11</u>	District Judge Timothy S. Hillman: ELECTRONIC ORDER entered granting <u>10</u> Motion for Extension of Time to Answer. Department of the Treasury, Internal Revenue Service answer due 10/19/2017; United States answer due 10/19/2017. (Castles, Martin) (Entered: 10/06/2017)
10/12/2017	<u>12</u>	Letter (non-motion) regarding IRS answer from Donato Niro. (Jones, Sherry) (Entered: 10/12/2017)
10/19/2017	<u>13</u>	ANSWER to <u>1</u> Complaint by Department of the Treasury, Internal Revenue Service.(Hoffman-Logsdon, Megan) (Entered: 10/19/2017)
10/26/2017	<u>14</u>	MOTION to begin proceeding by Donato F. Niro, Shirley M. Niro. (Attachments: # <u>1</u> Exhibit)(Jones, Sherry) (Entered: 10/26/2017)
11/09/2017	<u>15</u>	RESPONSE to Motion re <u>14</u> MOTION to begin proceeding filed by Department of the Treasury, Internal Revenue Service, United States. (Hoffman-Logsdon, Megan) (Entered: 11/09/2017)
11/13/2017	<u>16</u>	District Judge Timothy S. Hillman: ELECTRONIC ORDER entered denying <u>14</u> Motion. The parties shall file a joint status report with the Court on or before 1/20/18. The status report shall include a proposed briefing schedule and state whether a further status conference will be required. (Castles, Martin) (Entered: 11/13/2017)
11/15/2017	<u>17</u>	MOTION to produce witnesses by Donato F. Niro, Shirley M. Niro. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Text of Proposed Order)(Burgos, Sandra) (Entered: 11/15/2017)
11/29/2017	<u>18</u>	Opposition re <u>17</u> MOTION to produce witnesses filed by Department of the Treasury, Internal Revenue Service. (Attachments: # <u>1</u> Text of Proposed Order)(Hoffman-Logsdon, Megan) (Entered: 11/29/2017)

01/18/2018	<u>19</u>	STATUS REPORT by Donato F. Niro, Shirley M. Niro. (Jones, Sherry) (Entered: 01/18/2018)
01/19/2018	<u>20</u>	STATUS REPORT <i>and Proposed Briefing Schedule</i> by Department of the Treasury, Internal Revenue Service, United States. (Hoffman-Logsdon, Megan) (Entered: 01/19/2018)
02/16/2018	21	District Judge Timothy S. Hillman: ELECTRONIC ORDER entered denying <u>17</u> Motion to produce. (Castles, Martin) (Entered: 02/16/2018)
05/21/2018	<u>22</u>	letter by Donato F. Niro, Shirley M. Niro. (Attachments: # <u>1</u> Exhibit)(Jones, Sherry) (Entered: 05/21/2018)
05/22/2018	23	District Judge Timothy S. Hillman: ORDER entered. SCHEDULING ORDER: Defendant IRS will file a motion for summary judgment on or before July 30, 2018. Plaintiffs Donato Niro and Shirley Niro will file an opposition and if applicable, any cross-motion for summary judgment on or before August 30, 2018. Defendant will file a brief in reply, and if applicable, in opposition to any cross-motion filed by Plaintiffs, on or before September 14, 2018. Plaintiffs will file a reply on or before September 28, 2018.(Castles, Martin) (Entered: 05/22/2018)
07/27/2018	<u>24</u>	MOTION for Summary Judgment by Department of the Treasury, Internal Revenue Service. (Attachments: # <u>1</u> Statement of Material Facts, # <u>2</u> Declaration of Kimberly Wilson, # <u>3</u> Declaration of Lowell Thomas, # <u>4</u> Text of Proposed Order)(Hoffman-Logsdon, Megan) (Entered: 07/27/2018)
08/31/2018	<u>25</u>	RESPONSE to Motion re <u>24</u> MOTION for Summary Judgment filed by Donato F. Niro, Shirley M. Niro. (Jones, Sherry) (Entered: 08/31/2018)
09/13/2018	<u>26</u>	Consent MOTION for Extension of Time to October 17 2017 to File Response/Reply as to <u>25</u> Response to Motion by Department of the Treasury, Internal Revenue Service, United States. (Attachments: # <u>1</u> Text of Proposed Order)(Hoffman-Logsdon, Megan) (Entered: 09/13/2018)
09/27/2018	27	District Judge Timothy S. Hillman: ELECTRONIC ORDER entered granting <u>26</u> Motion for Extension of Time to File Reply re <u>24</u> MOTION for Summary Judgment . Replies due by 10/17/2018. (Castles, Martin) (Entered: 09/27/2018)
09/27/2018	<u>28</u>	RESPONSE to Motion re <u>24</u> MOTION for Summary Judgment filed by Donato F. Niro, Shirley M. Niro. (Burgos, Sandra) (Entered: 09/27/2018)
10/04/2018	29	ELECTRONIC NOTICE Setting Hearing on Motion <u>24</u> MOTION for Summary Judgment : Motion Hearing set for 10/25/2018 at 10:00 AM in Courtroom 2 – Worcester before District Judge Timothy S. Hillman. (Castles, Martin) (Entered: 10/04/2018)
10/17/2018	<u>30</u>	Consent MOTION for Extension of Time to December 17, 2018 to File Response/Reply as to <u>25</u> Response to Motion by Department of the Treasury, Internal Revenue Service, United States. (Attachments: # <u>1</u> Text of Proposed Order)(Hoffman-Logsdon, Megan) (Entered: 10/17/2018)
10/22/2018	<u>31</u>	MOTION Reschedule Hearing Date re <u>30</u> Consent MOTION for Extension of Time to December 17, 2018 to File Response/Reply as to <u>25</u> Response to Motion by Department of the Treasury, Internal Revenue Service, United States.(Hoffman-Logsdon, Megan) (Entered: 10/22/2018)
10/23/2018	32	District Judge Timothy S. Hillman: ELECTRONIC ORDER entered granting <u>30</u> Motion for Extension of Time to File Reply re <u>24</u> MOTION for Summary Judgment (Replies due by 12/17/2018, Sur-reply due by 1/4/19); granting <u>31</u> Motion to continue motion hearing date. (Castles, Martin) (Entered: 10/23/2018)
10/23/2018	33	ELECTRONIC NOTICE Resetting Hearing on Motion <u>24</u> MOTION for Summary Judgment : Motion Hearing reset for 1/14/2019 at 3:00 PM before District Judge Timothy S. Hillman. (Castles, Martin) (Entered: 10/23/2018)
12/17/2018	<u>34</u>	REPLY to Response to <u>24</u> MOTION for Summary Judgment filed by Department of the Treasury, Internal Revenue Service. (Attachments: # <u>1</u> Declaration of Lowell Thomas, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D)(Hoffman-Logsdon, Megan) (Entered: 12/17/2018)

12/26/2018	<u>35</u>	MOTION for Extension of Time to 2/18/19 to File Sur-Reply as to <u>24</u> MOTION for Summary Judgment by Donato F. Niro. (Attachments: # <u>1</u> Text of Proposed Order)(Jones, Sherry) (Entered: 12/26/2018)
01/04/2019	<u>36</u>	MOTION to Stay by Department of the Treasury, Internal Revenue Service.(Hoffman-Logsdon, Megan) (Entered: 01/04/2019)
01/08/2019	37	District Judge Timothy S. Hillman: ELECTRONIC ORDER entered granting <u>35</u> Motion for Extension of Time to File Sur Reply re <u>24</u> MOTION for Summary Judgment (Sur Reply due by 2/18/2019) and granting <u>36</u> Motion to Stay proceedings. (Castles, Martin) (Entered: 01/08/2019)
01/08/2019	38	ELECTRONIC NOTICE Resetting Hearing on Motion <u>24</u> MOTION for Summary Judgment : Motion Hearing reset for 2/25/2019 at 2:00 PM in Courtroom 2 – Worcester before District Judge Timothy S. Hillman. (Castles, Martin) (Entered: 01/08/2019)
01/31/2019	39	ELECTRONIC NOTICE Resetting Hearing on Motion <u>24</u> MOTION for Summary Judgment : Motion Hearing reset for 3/4/2019 at 2:30 PM in Courtroom 2 – Worcester before District Judge Timothy S. Hillman. (Castles, Martin) (Entered: 01/31/2019)
02/11/2019	<u>40</u>	SUR-REPLY to Motion re <u>24</u> MOTION for Summary Judgment filed by Donato F. Niro, Shirley M. Niro. (Attachments: # <u>1</u> Exhibit 1 – 13)(Burgos, Sandra) (Entered: 02/11/2019)
03/04/2019	41	Electronic Clerk's Notes for proceedings held before District Judge Timothy S. Hillman: Motion Hearing held on 3/4/2019 re <u>24</u> MOTION for Summary Judgment filed by Department of the Treasury, Internal Revenue Service, Case called, Plaintiff Donato Niro pro-se and counsel for the dft appear for motion hearing, Court hears arguments of parties, Court rules taking under advisement <u>24</u> Motion for Summary Judgment. (Court Reporter: Marianne Kusa-Ryll at justicehill@aol.com)(Attorneys present: Plaintiff pro-se/Hoffman-Logsdon) (Castles, Martin) (Entered: 03/04/2019)